

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CR-189

ROSS O. SCHLOMANN,

Defendant.

ORDER FOR CONTRIBUTION TO ATTORNEY'S FEES

On October 17, 2023, a grand jury returned an Indictment charging Defendant Ross O. Schlomann with bank fraud in violation of 18 U.S.C. § 1344(1) and money laundering in violation of 18 U.S.C. § 1957(a). At an arraignment on November 1, 2023, Schlomann entered pleas of not guilty and the case was set for trial. Magistrate Judge James R. Sickel appointed counsel pursuant to 18 U.S.C. § 3006A(b) upon a finding that Schlomann did not have the financial resources to retain counsel. In fact, counsel had been appointed to represent Schlomann prior to his Indictment on a precharging basis. Attorney Eric Maciolek has been representing Schlomann since December 10, 2021.

The court does not question the magistrate judge's finding that Schlomann does not currently have the funds to retain counsel on his own. However, Section 3006A(f) requires that the court order reimbursement where a person furnished representation has a source of funds allowing him to do so. Specifically, that subsection provides:

Whenever the United States magistrate judge or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid . . . to the court for deposit in the Treasury

as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section.

18 U.S.C. § 3006A(f). Upon review of the pretrial services report submitted as to Mr. Schlomann, it appears that he does have funds available to at least contribute to the cost of his representation. Although Schlomann reports a negative net worth of almost \$500,000, he also reports a net income of \$6,300 per month and expenses, including debt service payments, of \$5,356 per month, leaving an estimated monthly cash flow of \$944. Given the amount of disposable income Schlomann is left with each month, the court concludes that a contribution of \$500.00 per month toward his attorney's fees, to be paid to the Clerk, is reasonable.

Not only is it fair and just to require Schlomann to contribute toward his attorney's fees, given his disposable income, but it will also encourage him to use the resources of counsel wisely. The court notes that the amount of fees incurred for Attorney Maciolek's work pre-Indictment is in excess of the Case Compensation Maximums for such fees. The fact that the pre-Indictment negotiations continued for nearly two years without resolution suggests a lack of concern as to the costs of representation. Requiring Schlomann to contribute to his attorney's fees should encourage him to minimize unnecessary delays as the case proceeds.

Accordingly, pursuant to 18 U.S.C. § 3006A(f), Schlomann is directed to reimburse the court for the costs of his representation at a rate of \$500.00 per month.

SO ORDERED at Green Bay, Wisconsin this 2nd day of January, 2024.

s/ William C. Griesbach

William C. Griesbach
United States District Judge